

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ADULT FOSTER CARE HOMES;
5 ALLOWING A MEDICAID-ENROLLED PROVIDER TO SUBCONTRACT FOR CARE AND ESTABLISH
6 STANDARDS FOR CARE; PROVIDING FOR AN EXPEDITED LICENSURE PROCESS FOR EMERGENCY
7 PLACEMENTS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 50-5-215, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 50-5-215, MCA, is amended to read:

12 **"50-5-215. Standards for adult foster care homes.** (1) The department may adopt rules establishing
13 standards for the licensing of adult foster care homes. The standards must provide for the safety and comfort of
14 the residents and may be adopted by the department only after receiving the advice and recommendations of
15 the state fire prevention and investigation section of the department of justice in relation to fire and safety
16 requirements for adult foster care homes.

17 (2) The rules adopted by the department under this section must establish standards for adult
18 foster care homes in alignment with 42 CFR 441.301 that include standards for the safety and comfort of the
19 individual being served. The standards must:

20 (a) include requirements for the department to complete the process for licensure of a prospective
21 provider within 30 calendar days of the submission of required information, documentation, and fees. The
22 department shall initiate the process for licensure within 72 hours of notification to the department of an
23 emergency placement.

24 (b) allow a provider enrolled in the medical assistance program provided for in Title 53, chapter 6:

25 (i) to utilize subcontractors for care and to have administrative oversight of subcontracted
26 services;

27 (ii) to conduct routine health and safety inspections after the initial licensure process is completed
28 by the department; and

13 - END -